

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
ST. JOSEPH DIVISION**

CHERYL ARNOLD,)	
)	
Plaintiff,)	
)	
v.)	No. 5:22-cv-06126-DGK
)	
DOLGENCORP, LLC,)	
)	
Defendant.)	

ORDER OF DISMISSAL

This lawsuit stems from an accident at a Dollar General store in Daviess County, Missouri. Plaintiff is a Missouri citizen, and the Complaint alleges the Court possesses subject matter jurisdiction over this dispute pursuant to the Court’s diversity jurisdiction. ECF No. 1.

On January 31, 2023, the Court issued an order directing the parties to clarify Defendant’s citizenship. In it, the Court noted that, “An LLC’s citizenship, for purposes of diversity jurisdiction, is the citizenship of each of its members,” *OnePoint Sols., LLC v. Borchert*, 486 F.3d 342, 346 (8th Cir. 2007), and it explained that it could not determine from the existing record whether there was complete diversity of citizenship here. The Court ordered the parties to submit a brief providing the name and citizenship of each of Defendant’s members so it could determine whether it has subject matter jurisdiction.

On March 1, 2023, Defendant submitted a very brief memo explaining that “it is a foreign *corporation*, duly organized under the laws of he State of Kentucky, with its principal place of business in” Tennessee. Memo. at 1 (emphasis added), ECF No. 15. The memo also notes Defendant is managed by two “managers” who are also Tennessee residents. *Id.* It concludes, “Based on the foregoing, diversity of citizenship exists.” *Id.* at 2.

The memo conflates the citizenship of a corporation with the citizenship of an LLC and conflates the membership of an LLC with the membership of its managers. These are all different things. The existing record does not establish diversity of citizenship.

As the Court previously observed, the threshold question for every federal court in every case is whether it possesses subject matter jurisdiction. The party invoking federal jurisdiction bears the burden of establishing it. *Bell v. Hershey Co.*, 557 F.3d 953, 956 (8th Cir. 2009). The Court has given the parties a reasonable opportunity to establish that there is diversity of citizenship here, and they have failed to do so.

This case is DISMISSED WITHOUT PREJUDICE.

IT IS SO ORDERED.

Date: March 6, 2023

/s/ Greg Kays
GREG KAYS, JUDGE
UNITED STATES DISTRICT COURT